

MINUTES OF BOARD OF APPEALS MEETING OF September 4, 2012: Town Hall Banquet Room

I. ADMINISTRATIVE BUSINESS

Chairman Peter DeTerra – Opened the meeting at 6:00 p.m.

Quorum/Attendance

Members Present – Chairman Peter DeTerra, Francis Cox, Jr., Peg Cook, Joe Borelli, Rene Fleurent, Jr. (Assoc.), Al Silva (Assoc.), Ken Kendall (Assoc.) and Jaime DeSousa (Assoc. newly appointed)

Absent – Daryl Manchester

Minutes: Chairman DeTerra asked for a motion to accept the minutes. Mr. Fleurent, Jr. motioned to accept the minutes of August 7, 2012. Mr. Silva seconded. The vote was unanimous.

II. PUBLIC HEARING:

1. Petitioner: Paul Kennedy, 22 Fishermans Road, Plat 43A, Lot 246; Certificate #21252; 198-18: Short 11' of the required 30' front setback on a corner lot and 12% over the maximum allowed building coverage of 15% in a RR District.

Mr. Fleurent, Jr. removed himself from the meeting as he lives 400' from the owner. The petition was read and there were 48 abutters notified. No one was there to represent the petitioner.

Mr. Cox stated the petitioner should be present to answer questions and motioned to table the discussion to the end of the meeting to allow time for the petitioner to arrive. Mr. Kendall seconded the motion. The vote was unanimous.

At 6:25 PM contractor Jalmer Miedema, on behalf of the petitioner, entered the meeting. Mr. Cox motioned to reopen the hearing. Mr. Kendall seconded. The vote was unanimous.

The proposal is for a 24'x26' garage with a 5' property line setback. Plans were not available for review. The rear setback requirement will be met. Only the side setback requires a variance. The two sheds on the property will be removed for the garage. Lot coverage will increase to 25%. Abutter Bill Anderson, 20 Fishermans Road, believes the proposal is too large for the lot. Abutter Aime Prince, 18 Fishermans Road, agrees.

Mr. DeSousa asked the proposed ridge height of the structure. 16'

Upon discussion of the proposal and noting the abutters' objections, Chairman DeTerra recommended the hearing be continued to allow for resolution between the neighbors. Mr. Miedema agreed.

Mr. Cox motioned to continue the hearing to October 2, 2012. Mr. DeSousa seconded the motion.

Board members voting to continue the hearing to October 2, 2012: Ms. Cook, Mr. Borelli, Mr. Cox, Jr., Mr. Silva and Mr. Kendall.

The hearing is CONTINUED to October 2, 2012.

2. Petitioner: Windward Power Systems, Inc., 379 Alden Road, Plat 37, Lot 1-A; Book 1893 and Page 1009; 198-18: 16% over the maximum allowed lot coverage of 70%, and 10% over the maximum allowed building coverage of 25% in a Business District.

The petition was read and there were 24 abutters notified. Board member Rene Fleurent, Jr. disclosed that he is a Member of the Planning Board and will be hearing this case. The petitioner was represented by John Keegan of Sitec Engineering of Dartmouth, MA. The existing building has been vacant for 2-3 years. The lot has 99% coverage between the existing building and wetlands. The petitioner seeks a variance to increase the lot coverage to 32% for a

new building to be located at the rear of the property. An increased drainage footprint is factored into the site. The proposed new lot coverage will decrease from 99% to 90%. In favor of the proposal is Ken Ferreira of Ferreira Engineering, New Bedford and an abutter Elaine Hebert, 386 Alden Road.

Mr. Kendall expressed concern about backing a 40' trailer from Alden Road onto the site. The owner stated that only 4-6 boats come onto the property annually and a larger curb cut is proposed for the site.

Mr. Cox, Jr. motioned to grant the Variance. Mr. Silva seconded.

Members voting to grant the variance: Mr. Borelli, Ms. Cook, Mr. Cox, Jr., Mr. Kendall and Mr. DeSousa.

The Variance is GRANTED with a vote of 5 in favor and none opposed.

3. Petitioner: Lisa Esten & Marc Dunn, 25 Littleneck Road, Plat 43A, Lot 163; Certificate #21827; 198-18: Short 23' of the required 30' front setback on a corner lot, short 8' of the required 20' west side setback and 4% over the maximum allowed lot coverage of 15% in a RR District.

The petition was read and there were 47 abutters notified. The petitioner was represented by Ken Ferreira, P.E. of Ferreira Engineering, New Bedford and contractor Keith Silvia. The petitioner proposes to demolish the existing structure and construct a new 2-story dwelling utilizing about the same footprint. Existing lot coverage will remain the same. The existing shed will remain. Abutters Robert Moulding, 141 Dogwood Street, and Bob Joseph, 15 Cherrystone Road, are in favor of the proposal.

Mr. Fleurent, Jr. asked if plans had been submitted to the Building Department. Not yet.

Mr. Borelli asked the structure height. 24.7'

Mr. Borelli motioned to grant the Variance. Mr. Kendall seconded.

Members voting to grant the Variance: Mr. Borelli, Mr. Cox, Jr., Ms. Cook., Mr. Fleurent, Jr. and Mr. Kendall.

The Variance is GRANTED with a vote of 5 in favor and none opposed.

4. Petitioner: William Nolan, 168 Cottonwood Street, Plat 43B, Lot 116; Certificate #22649 198-18: Short 11' of the required 20' side setback in a RR District.

The petition was read and there were 48 abutters notified. The petitioner was represented by contractor Matthew Brodo and proposes a new 12'x16' deck with new stairs and a closed bulkhead. The old deck was 10'x12'. No abutters were present.

Mr. Borelli asked how far off the ground the deck would be. 5' to 6'.

Mr. Cox, Jr. motioned to grant the Variance. Mr. Fleurent, Jr. seconded.

Members voting to grant the Variance: Ms. Cook, Mr. Borelli, Mr. Cox, Jr., Mr. Fleurent, Jr. and Mr. DeSousa.

The Variance is GRANTED with a vote of 5 in favor and none opposed.

III. OTHER BUSINESS:

ADJOURNMENT

Mr. Cox, Jr. moved to adjourn the meeting. Mr. Kendall seconded. The vote was unanimous. The meeting was adjourned at 6:35 PM.

Respectfully Submitted,
Patricia Fowle, Secretary
To the Board of Appeals